

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

VICTOR WAYNE BELL,

Plaintiff,

v.

SHERIFF JAY JONES,

Defendant.

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Civil Action No. 3:05-cv-885-MHT-VPM

DEFENDANT'S MOTION FOR EXTENSION OF TIME

COMES NOW Jay Jones, Sheriff of Lee County, Alabama, Defendant in the above-styled cause, and moves this Honorable Court for an extension of time of 21 days in which to file his Special Report and Answer which is presently due on October 31, 2005. As grounds for said motion, Defendant states as follows:

1. On September 19, 2005, this Court entered an Order directing the Defendant to file a Special Report and Answer in the above-styled cause on or before October 31, 2005.

2. The gathering of information with which to formulate the Special Report has taken longer than expected. Counsel for Defendant has yet to meet with the Defendant and witnesses for the purpose of ascertaining the facts of the case and obtaining the documents located at the Lee County Sheriff's Department relevant to Plaintiff's allegations. In addition, it may be necessary to obtain additional documents relating to the Plaintiff's incarceration made the basis of his Complaint.

3. Defendant is in need of this additional time to fully respond to the Plaintiff's allegations.

4. Defendant has not previously requested an extension of time in this case.

5. Plaintiff will not be prejudiced by the requested extension.

WHEREFORE, PREMISES CONSIDERED Defendant respectfully requests this Honorable Court grant his Motion for Extension of Time to file his Special Report and Answer up to and including November 21, 2005.

Respectfully submitted this 21st day of October, 2005.

s/Kelly Gallops Davidson

KELLY GALLOPS DAVIDSON Bar No. DAV123

Attorney for Defendant

WEBB & ELEY, P.C.

7475 Halcyon Pointe Drive

Post Office Box 240909

Montgomery, Alabama 36124

Telephone: (334) 262-1850

Fax: (334) 262-1889

E-mail: kdavidson@webbeley.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 21st day of October, 2005, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Victor Wayne Bell

AIS# 176221

Lee County Jail

P.O. Box 2407

Opelika, AL 36801

s/Kelly Gallops Davidson

OF COUNSEL